

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/585,215
Filed/371(c) : June 30, 2005
Applicant : Ansgar Werner, et al.
Title : Use of a Metal Complex as an n-dopant for an Organic
Semiconducting Matrix Material, Organic Semiconducting
Material and Electronic Component, and also a Dopant and Ligand
and Process for Producing Same

Confirmation No. : 9620
Art Unit : 2815
Examiner : Anthony Ho

Attorney Docket No. : 17346-0088
Customer No. : 29052

PETITION UNDER 37 C.F.R. § 1.47(a)

Via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Decision mailed August 30, 2010, the Applicants respectfully request to make the above-referenced application on behalf of an inventor who cannot be reached, pursuant to 37 C.F.R. § 1.47(a).

This petition is being submitted because inventor Olaf Kühl could not be found or reached, despite a diligent effort to do so. Therefore, inventors Ansgar Werner, Simon Gessler, Horst Hartmann, Andre Grüssing, Michael Limmert, Andrea Lux, and Kentaro Harada, request that the application be made on their own behalf and on behalf of the non-signing joint inventor, Olaf Kühl.

A petition under 37 C.F.R. § 1.47(a) requires the following:

- (1) the petition fee;
- (2) factual proof that the missing joint inventor cannot be located or reached;
- (3) a statement of the last known address of the non-signing joint inventor; and
- (4) an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the non-signing joint inventor.

The Applicants submitted items (1) and (3) in the original petition request of February 24, 2009, and the USPTO acknowledged these items in the Decision mailed August 30, 2010.

1. Item (2)

The Applicants now submit item (2). The attached letter (Exhibit 1) from Dr. Volker Scholz describes the diligent effort to contact the non-signing inventor, Olaf Kühl. The German mailing labels (Exhibit 2) corroborate these efforts. The Applicants offer the following translations to assist in the understanding of the accompanying German mailing labels:

- (a) “nicht angetroffen” – “not found” (top half of page 1)
- (b) “Übergabe-Einschreiben mit Rückschein” – Germany’s version of “Certified Mail,” i.e. requires the signature of the recipient (top half of page 2); and
- (c) “Empfänger benachrichtigt” – “addressee informed” (top and bottom half of page 2).

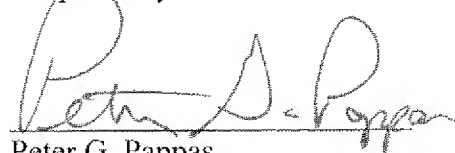
The Applicants’ respectfully submit that the letter from Dr. Scholz and the copies of the mailing labels reflect a *bona fide* and diligent effort to contact the non-signing inventor, Olaf Kühl.

2. Item (4)

Regarding item (4), the Applicants submitted a declaration signed by all inventors on February 24, 2009, however, the address of inventor Kentaro Harada was altered without being initialed. Therefore, submitted herewith is a declaration signed by Kentaro Harada that shows the proper, unedited address.

Since the Applicants previously submitted the petition fee, no additional fees are believed due at this time. The Commissioner is authorized, however, to charge any necessary fees to Deposit Account No. 19-5029.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Pappas", is written over a horizontal line.

Peter G. Pappas
Reg. No. 33,205

Date: November 1, 2010

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309
Telephone: 404-853-8000
Facsimile: 404-853-8806

Attorney Docket No.: 17346-0088

Exhibit 1

TAKEN LOTS 11
 RECEIVED
 FEB 23 2009

USA

PROF. DR. WILHELM NORDMANN *sa*, POTSDAM
 DIPL.-PHYS. EDUARD RAUMANN *sa*, NORDHAGEN-
 DR.-ING. GERALD KLÖPSCHE *sa*, BONNENBERG
 DIPL.-ING. HANS W. QUONING *sa*, WÜRZBURG
 DIPL.-ING. SIEGFRIED SCHIRMER *sa*, WÜRZBURG
 DIPL.-PHYS. LORENZ HANWINKLER, *sa*, POTSDAM
 DIPL.-ING. ANTON FRITHEER REIDERER *sa*, FAHR *sa*, WÜRZBURG
 DIPL.-CHEM. DR. DIETER LAUDEN *sa*, POTSDAM
 CHRISTOPH SCHMÖCKEL *sa*, BERLIN
 DR. JUR. DIPL.-ING. JANTONEN *sa*, *sa*, COEL
 DIPL.-PHYS. CHRISTIAN KERN, *LL.M.* *sa*, KERN
 DR. ANKE NORDMANN-SCHIRMER *sa*, *sa*, *sa*, POTSDAM
 WILHELM NIEWITZ, *LL.M.* *sa*, BERLIN
 DIPL.-PHYS. ANDREAS HOLZWARTH ROCHFORD *sa*, FRANKFURT
 DR. KATRIN SEIBT *sa*, BERLIN
 DIPL.-BIOL. DR. ILKA PREISE *sa*, WÜRZBURG
 DR. RUDOLF RÖCKENHOLT, *LL.M.* *sa*, BERLIN
 DR. THOMAS W. SODDIER *sa*, BERLIN
 DIPL.-BIOL. DR. MARTIN L. LOEWENBERG *sa*, BERLIN
 DIPL.-BIOCHEM. DR. GÜRGÜ J. HOPPE *sa*, KERN
 DIPL.-BIOCHEM. DR. SYBILLA M. GRANN *sa*, WÜRZBURG
 GABRIELE PRISSETER *sa*, WÜRZBURG
 DR. ROLAND WÄRNKE *sa*, WÜRZBURG
 DIPL.-PHYS. DR. XIA FRANKFELTZER *sa*, WÜRZBURG
 DIPL.-ING. CONSTANTIN VAN LOUWEREN CAMPAGNE *sa*, POTSDAM
 DR. FRANK REICHENMANN *sa*, WÜRZBURG

DIPL.-CHEM. DR. HANS ULRICH MAYER, WÜRZBURG 104 30277 (URTEL 2007)
PA. PATENTANWALT/PROZESS-ATTORNEY
RA. RECHTSANWALT/ATTORNEY AT LAW
* BUSINESS PATENT ATTORNEY
* OÖ. RECHTSANWALTSGES. CHARTERED PATENT ATTORNEY
VEREINIGUNG VON DR. HANS - MARIE UND DR. JOSEF KRIEGER
KRIEGER & PARTNER, TRADEMARK AND DESIGN AGENTS

Berlin,
February 20, 2009

USA - Patent Application 10/585,215 - Use of a metal complex as an n-dopant for an organic semiconducting matrix material, organic semiconducting material and electronic component, and also a dopant and ligand and process for producing same - NovaLED GmbH

Referring to your letter of October 8, 2008. Please find enclosed the combined Declaration and Power of Attorney signed by all inventors except of Olaf Kühl. With regard to the inventor Olaf Kühl the applicant has attempted to send the inventor the declaration by a method which requires the inventor to sign (certified mail - "Übergabe-Einschreiben mit Rückschein") it was tried twice to deliver the declaration to the inventor at Mittelstrasse 10, 04416 Markkleeberg, the place of residence of Mr. Kühl. Mr. Kühl did not open. Therefore, he was informed by the postal office to fetch the letter. This can be taken from page 2, upper part, the box "Empfänger benachrichtigt" (addressee informed) dated January 7, 2009. Mr. Kühl did not appear at the postal office to take the respective letter of the applicant. Now, the legal term for keeping such letters has lapsed and the letter was re-sent to our applicant. Thus, it is our understanding, that all due care was taken by the applicant to send the declaration to Mr.

Bitte notieren Sie die Änderung unserer Telefonnummer
Please note that our telephone number has changed

BOEHMERT & BOEHMERT

- 2 -

Kühl, but he ignored it. As already informed, the relation between the patentee and Mr. Kühl might be somewhat better.

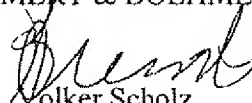
Please let us know whether such document is sufficient to proof that the inventor was sent the declaration and refused to sign it. It is our understanding that the applicant may not provide any better proof in this regard.

If you deem the documentation sufficient, please forward it to the USPTO.

For any further questions, please let us know.

Best regards,

Very truly yours
BOEHMERT & BOEHMERT



Volker Scholz

Enclosure:

Combined Declaration and Power of Attorney
Documentation with regard to inventor Olaf Kühl

Exhibit 2

4097

novalied



Nr. EC 480 743 CITY POST BRIEFDIENST

Ihr Briefdienst für
Sachsen

www.post-modern.de

Lagerfrist überschritten
Zurück an Absender

- ☐ Einwurf - EG
- ☐ Übergabe-ES, Rückschein
- ☐ Übergabe-EE, eigenhändig
- ☐ Übergabe-EK, Rückschein, eigenhändig

Novalied AG · Tatzberg 49 · 01307 Dresden

Herr Dr. Olaf Kühl

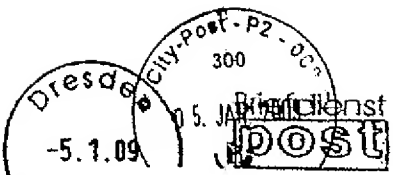
Mittelstrasse 10
D-04416 Markkleeberg

☐ EINWURF
EINSCHREIBEN

☐ Rückschein (EE)



Frist abgelaufen



Unzustellbar

10.01.09/16

- ☒ Nicht angetroffen
- ☐ Kein Briefkasten vorhanden
- ☐ Briefkasten überfüllt
- ☐ Annahme verweigert
- ☐ Anschrift unvollständig/falsch
- ☐ Verstorben/Firma erloschen
- ☐ Empfänger unbekannt
- ☐ Empfänger verzogen nach

Str./Nr.: Zwei Zweifelhassende

PLZ/Ort: 950 und 1030

☐ UDB/KT geprüft:

Rückschein

- ☐ Einwurf
- ☐ Einschreiben
- ☐ Einschreiben

Abgabedatum: 05.01.09

Sendungsnummer für Rückschein: UD0000042143

Abseher:

Firma: NOVALIED AG

Name, Vorname: TATZBERG 47/151

Strasse und Hausnummer oder Postfach: 01307 DRESDEN

Postleitzahl, Ort: 4097

Empfänger:

Name, Vorname: HERR

Strasse und Hausnummer: DR. OLAF KÜHL

Postleitzahl, Ort: MITTELSTR. 10

Postleitzahl, Ort: 04416 Markkleeberg

Ausgangspunkt:

☐ Empfänger ☐ Erhalten

Ausgangspunkt:

Ich habe die Sendung dem Empfänger/Erhaltenen übergeben:

Ort: 01307 DRESDEN

Uhrzeit: 10:30

Unterschrift: X

Empfangsbestätigung:

Ich bestätige, die Sendung am heutigen Tag erhalten zu haben:

Ort: 01307 DRESDEN

Uhrzeit: 10:30

Empfangsbestätigung: X

Name, Vorname in GROSSBUCHSTABEN: HERR



PostModern Service-Telefon: 0800-99 66 33 1

**Zustell- und Empfangsbestätigung
Einschreiben**



- ☐ Einwurf-Einschreiben
☐ Übergabe-Einschreiben ☐ eigenhändig
☒ Übergabe-Einschreiben mit Rückschein ☐ eigenhändig

Zustellbestätigung

Datum	Unterschrift Zusteller
	<i>[Signature]</i>

Empfangsbestätigung

Datum	Unterschrift Empfänger
	<i>[Signature]</i>

Unzustellbar

- ☐ nicht angetroffen
☐ Annahme verweigert
☐ Empfänger unbekannt
☐ Empfänger verzogen nach
☒ Empfänger benachrichtigt
- ☐ kein Briefkasten vorhanden ☐ Briefkasten überfüllt
☐ Anschrift unvollständig/falsch ☐ verstorben/Firma erloschen
☐ Sonstiges

**Lagerfrist überschritten
Zurück an Absender**

Straße, Nr., PLZ, Ort

Datum	Unterschrift Zusteller
07.01.09	<i>[Signature]</i>

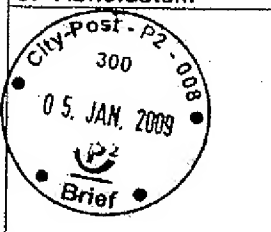
Die Abholung und Zustellung erfolgt gemäß Lizenz der Bundesnetzagentur.

- ☐ Einwurf-Einschreiben
☐ Übergabe-Einschreiben ☐ eigenhändig
☒ Übergabe-Einschreiben mit Rückschein ☐ eigenhändig

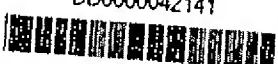
Einschreiben



CP-Abholdatum



Absender

<i>110</i>
DD0000042141


Nummer des Einschreibens

C 480313

Empfänger

CP-Übernahmebestätigung

Datum
Unterschrift City-Post

Die Abholung und Zustellung erfolgt gemäß Lizenz der Bundesnetzagentur.